

OGC Has Reviewed

13 November 1975

NOTE FOR: Chief, BSD
Chief, CPD
Chief, RAD

1. Please review file systems under your control in connection with the attached. If any questions concerning changes, call [REDACTED] (OP/FOI/PA), x7165. Bill has a list of file systems identified in the Federal Register. STATINTL

2. Sorry about the time frame, but just received this request. I suspect Bill will need your input, if any, by 18 November. Please advise me of any changes you report to him.

[REDACTED] STATINTL

DD/Pers/SP

Att

[REDACTED] STATINTL

*all Divisions reported to [REDACTED]
by 18 Nov 75.*

31 October 1975

MEMORANDUM FOR: DDA Records Management Officers
and/or Privacy Act Officers

SUBJECT : File Systems Review

1. A requirement has been levied by the Deputy Director for Administration to review the descriptions of CIA file systems published in the Federal Register. Your review should determine whether description needs to be modified or changed.

2. Re-examine your records holdings to determine if there are systems of records that have not been appropriately identified in the Federal Register, but fall within the interpretations of the Privacy Act. These will be any systems through which information on U. S. citizens and permanent resident aliens may be retrieved by name, identifying number or other unique identifier. These systems may be handled as follows:

a. Central file systems published in the Federal Register that automatically lead to existing supplemental file systems need not be cross-referenced. A cross-reference is necessary if the central file system does not automatically lead to the supplementary system.

b. The Consultant and Independent Contractor Files (Item 32 in the Federal Register) automatically leads to location of the contracting office, therefore, no cross-reference is required. However, if the contracting office loans the contractee to another office, it is the responsibility of the contracting office to maintain a cross reference to any additional supplemental systems created as a result of the loan.

c. If any system is not supplemental to a published file system, prepare a statement describing the record system for publication in the Federal Register.

d. If a file system is not legally authorized, submit on a separate sheet a description and the location of each system for a decision on disposal.

STATINTL

3. Items in paragraph two also apply to [REDACTED] STATINTL
[REDACTED] installations, therefore, these installations should be notified of the requirements of the Privacy Act, and the impact it will have on them with regard to implementation procedures, accountability, and the need for reporting existing file systems to Headquarters.

4. Responses from Headquarters offices should be received in my office by 19 November 1975 for preparation of a report to the Deputy Director for Administration. Responses from field installations should be submitted as soon thereafter as possible.

5. Copies of the Federal Register are available in your component. Please check with your Administrative Office.

STATINTL

[REDACTED]
DDA/RMO

CONFIDENTIAL

REFS 75-2461

Approved For Release 2002/01/30 : CIA-RDP84-00688R000200310003-8

DDA 75-5057

24 October 1975

MEMORANDUM FOR: Director of Communications
Director of Finance
Director of Joint Computer Support
Director of Logistics
Director of Medical Services
Director of Personnel
Director of Security
Director of Training

SUBJECT : Priority Review of Records Relating to
the Warren Commission, etc.

1. On 23 October the Chief, CI Staff, DDO, established a task force to conduct on a priority basis a thorough review of all Agency record material pertaining to the activities of the Warren Commission, Lee Harvey Oswald, the role of Nosenko vis-a-vis the investigations of the assassination and other individuals of significant interest to the Commission and its activities. It is the goal of this task force to declassify these records to the maximum extent possible so as to permit the Agency to both respond on a timely basis and avoid duplicative work burdens in responding to the numerous requests for these records which have originated from both FOIA and Congressional sources. The DDA has committed himself to cooperate fully with CI in this important effort, and he has directed that a representative of both the Office of Security and the Information and Privacy Staff be detailed to the task force on a full-time basis. It is critically important that the task force be in a position to review all Agency material relating to this general subject. The Agency can ill afford to have relevant documents overlooked and not subject to this review and subsequent declassification exercise.

2. It is requested that you examine your file holdings to ensure that any material relating to the subjects identified above is made available promptly to Chief, CI Staff. The task force has as its goal the completion of its review by Friday, 31 October. In order to ensure that a complete search has been conducted, I would appreciate receiving from

SUBJECT TO GENERAL DECLASSIFICATION SCHEDULE
OF E. O. 11652, AUTOMATICALLY DECLASSIFIED AT
TWO YEAR INTERVALS AND DECLASSIFIED ON

31 December 1981

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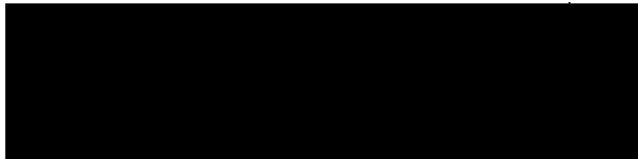
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you by COB Wednesday, 29 October, a reply which indicates that: (a) no relevant material was located; (b) material was located and passed to the CI Staff; or (c) material has been located which poses special problems requiring DDA consideration.


Assistant for Information

cc: C/IPS
C/ISAS
OGC
C/CI Staff

~~CONFIDENTIAL~~

3 February 1975

MEMORANDUM FOR: Executive Assistant/OP

SUBJECT : FOIA Request from Robert T. Wood
(IRS 75-048)

The various divisions of Special Programs have been queried regarding any input to subject request. As a result, I can report we have no instances that specifically meet the criteria listed. I do want to report, however, that we have contributed considerable information to the American Association of Retired Persons in connection with an article yet to be written for their magazine pertaining to our CIARDS system.


Deputy Director of Personnel
for Special Programs

STATINTL

Distribution:

Orig & 1 - Addressee
2 - DD/Pers/SP

STATINTL DD/Pers/SP/: gec (3 Feb 75)

DD/A 75-0474

30 January 1975

MEMORANDUM FOR: Director of Security

ATTENTION :

SUBJECT : Requests for Information from Agency
Files

1. Reference is made to the attached Office of General Counsel memorandum of 24 January 1975, concerning requests for information from Agency files. A member of the Staff discussed this with the Office of General Counsel, and it is mutually understood that we are not referring to cases which come under the Freedom of Information Act, for which there are established procedures.

2. On 29 January 1975, the Deputy Director for Administration established the position that all these responses should come through the Directorate before being forwarded to the General Counsel. It was also agreed that the Office of Security should serve as the action component in developing a Directorate position, to include as appropriate, checks with the Offices of Personnel and Logistics. In effect, there is no need to check Information Services Group/DDO, but we must be sure that all appropriate elements of this Directorate are checked, and we cannot limit ourselves to the Office of Security.

3. We defer to you, but you may wish to develop specific focal points in the other offices, so there is a clear understanding of the ground rules.

STATINTL

Executive Officer

Deputy Director for Administration

Att

cc: ✓ Director of Personnel

Director of Logistics

OGC 75-0256
24 January 1975

MEMORANDUM FOR: Deputy Director for Administration
Deputy Director for Operations
Deputy Director for Science and Technology

SUBJECT: Requests for Information from Agency Files

STATINTL

This is to confirm our oral understanding of the change in the procedure for directing requests for any information from Agency files for litigation and other purposes. In the past the Office of General Counsel has sent requests for such information to the Chief, [REDACTED] DDO; the Deputy Director of Security for Policy and Management; and the Executive Assistant to the Director of Personnel. This Office will now direct all such requests to the Associate Deputy Directors for the Administration, Operations, and Science and Technology Directorates.

STATINTL

[REDACTED]

JOHN S. WARNER
General Counsel

UNITED STATES CIVIL SERVICE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
WASHINGTON, D.C. 20415

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SUMMARY OF 303rd MEETING

January 16, 1975

I. 1974 AMENDMENTS TO FREEDOM OF INFORMATION ACT AND PRIVACY ACT OF 1974

Mr. Rosen introduced Gary D. Bearden, Director, Bureau of Manpower Information Systems, who discussed the requirements in two new laws as they affect personnel management throughout the Government: 1974 Amendments to the Freedom of Information Act (PL 93-502) and the Privacy Act of 1974 (PL 93-579). These laws deal with data (records)--- that is, personal data including personnel records---and Federal employees are considered as citizens in the language of the law, not treated as a special group.

Amendments to Freedom of Information Act

We have been operating under the Freedom of Information Act for approximately six years and the recent Amendments resulted from Congressional concern regarding the response made to citizen inquiries under the terms of the existing law. However, with some exceptions, the Amendments present no change in substantive provisions of the law. The rules as to what information must be released or may be withheld are mainly unchanged. The most significant changes for the personnel community came out in the Conference Report, as follows:

"The conferees also wish to make clear that disclosure of information about a person to that person does not constitute an invasion of his privacy."

This means that previously withheld investigatory files and Supervisory Appraisals of Potential will need to be made available to individuals upon request. The Commission will be issuing instructions on these two items.

Following is a brief run-down of the changes called for by the Amendments:

- Agencies must maintain and make available for public inspection and copying, current indexes providing identifying information for the public;
- Agencies must publish quarterly an index of final opinions and

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orders made in adjudicating cases, as well as statements of policy and interpretation that have not been published in the Federal Register, and administrative staff manuals and instructions to staff which affect the public;

- Agencies must establish a uniform schedule of fees for searching and copying records, providing only for recovery of direct costs of searching and duplicating;
- Agencies must make a determination on whether to comply with requests for information within 10 working days of receipt of such inquiry;
- If the agency denies a request for records in those instances where the requester invokes the Act, and the requester appeals, the agency must make a determination on the appeal within 20 working days from date of receipt;
- If the agency denies an appeal and the individual files a suit, the agency must respond to court pleadings within 30 days, unless the court otherwise directs. Suits of this nature will be filed with the Federal District Court;
- If an individual challenges the withholding of information by the agency in court,
 - and the court finds in the individual's favor, orders the agency to produce records improperly withheld, and assesses court costs and attorney fees on the agency,
 - and the court also issues a written finding that the circumstances of the withholding raise questions whether agency personnel acted arbitrarily or capriciously in withholding information,
 - then the Civil Service Commission is required to initiate a proceeding to determine whether disciplinary action is warranted against the responsible officer or employee and, if warranted by the findings, to order the administrative authority of the agency to take appropriate action;
- Agencies must report annually to Congress on the requests for information under the Act that are denied, on the appeals, on the names of persons responsible for denials of requests, on the results of any disciplinary actions ordered by the Commission, on the rules and fee schedules for providing information, and on the fees collected.

With regard to procedural details, the Commission will, as always, offer any and all assistance possible to avoid situations leading to court

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proceedings, and would conduct an investigation only upon the direction of a court.

The Commission is taking action to comply with the Amendments, as must all agencies, by deciding on organizational and procedural changes, publishing a standard schedule of fees, revising regulations, publishing required indexes, preparing required reports for Congress, and preparing training for Commission employees and agency staffs. Each agency will be free to develop its own organizational design in order to effect compliance with the Amendments and assistance in this regard will be available from the Commission upon request.

There are two areas of special impact on the Commission, not in common with other agencies. Amendments to the Freedom of Information Act, coupled with the Privacy Act, enable people to see what information is in Commission investigation files about themselves, except where this would reveal confidential sources. In addition, the courts may remand to the Commission alleged cases of improper withholding of information by any agency, and the Commission must investigate the circumstances and order disciplinary action, if appropriate. The Commission is currently considering how to respond to these special demands.

Both the Amendments to the Freedom of Information Act and the Privacy Act will evolve and be clarified over time through the courts, regulation, and policy guidance. The Department of Justice has the overall regulatory authority in the Freedom of Information Act and the Office of Management and Budget has regulatory authority over the Privacy Act. IAG members were urged to study carefully the package on these subjects delivered to heads of all departments and agencies in late December or early January. The fundamental responsibility is with each agency, but the Civil Service Commission will provide appropriate guidance and advice on matters within its responsibility. The necessary revisions to FPM Chapter 294 will be issued as expeditiously as possible, both for the provisions of the Amendments and the Privacy Act. Effective date set on the Amendments to the Freedom of Information Act is February 19, 1975; however, the Privacy Act will not take effect until September 27, 1975.

Privacy Act of 1974

The Privacy Act of 1974 will have much greater impact on record systems. This Act provides safeguards for individuals against invasion of personal privacy. The Act requires agencies:

- To permit individuals to determine what records pertaining to them the agency collects, maintains, uses, or disseminates;
- To permit individuals to prevent records pertaining to them obtained for a particular purpose from being used or made available for another purpose without their consent;

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- To permit individuals to gain access to information pertaining to them in Federal agency records, to have a copy made of their records, and to correct or amend their records;
- To collect, maintain, use, or disseminate records of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of information;
- To be subject to civil suit for damages which occur as a result of willful or intentional actions which violate any individual's rights under the Act.

OMB has regulatory authority and will be issuing guidelines on this, and the impact is serious in terms of both cost and workload.

With regard to implementation of the Privacy Act, the Commission's role is different from that of other agencies, in that personnel records held by agencies are legally Civil Service Commission records. However, the Commission and agencies are jointly responsible for the protection of privacy throughout this vast system of records. Basic recordkeeping policies and procedures in the personnel management field have long provided some important safeguards for personal privacy of applicants, employees, and annuitants. The Commission has been working on the problems of protecting privacy in the current context for approximately 17 months and, as soon as OMB issues necessary guidelines and policies, the Commission will be able to put forth written guidance for new policies and procedures in a timely manner.

Mr. Rosen urged members to consider their role in their agency's handling of the implementation of both these laws. The purpose of the meeting was to alert personnel directors to the major provisions of these laws and to encourage their participation in individual agency implementation efforts.

II. LABOR RELATIONS DEVELOPMENTS

Mr. Rosen introduced Anthony F. Ingrassia, Director, Office of Labor-Management Relations, who brought members up to date on four areas of activity in the Federal labor relations field.

Labor Relations Policy Guidance

As more and more personnel policy development and implementation takes place at the bargaining table rather than through issuance of regulations, there is a greater need among agencies to coordinate exchange of information and possible approaches for dealing with policy aspects of emerging issues in labor-management negotiations. Unions have recognized their own need for coordination through formation of organizations such as the new Public Employee Department within the AFL-CIO.

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In this regard, the Office of Labor-Management Relations has been working with a group of personnel and labor relations directors in developing an approach for gathering information, analyzing it and exchanging ideas as a means of enhancing coordination in an era of increased bilateralism.

Safety and Health Developments

Safety and health has emerged as an area of prime concern to both management and unions because it is "a people concern." The new Executive Order 11807 on occupational safety and health, and the Labor Department's implementing provisions, generally limit the mandatory regulations governing this field in order to leave flexibility to deal with varying conditions from agency to agency. This, in turn, puts a premium on agencies to make their safety and health programs as responsive and beneficial to employee needs as possible.

Mr. Ingrassia outlined briefly the ways in which the Commission is working with agencies to define the personnel implications of the new safety and health regulations. Careful attention should be given to all aspects of safety and health and that good working relationships should be encouraged among personnel people, safety and health officials, line managers, employees and their union representatives.

Comptroller General Decisions

The Comptroller General has issued—and is issuing—a series of decisions giving much broader interpretation to the Back Pay law as it applies to so-called non-discretionary personnel requirements. First, the Comptroller General ruled that binding arbitration awards calling for retroactive promotion and pay which are otherwise in conformity with law and E.O. 11491, as amended, must be complied with by agencies; now, it is becoming clear that the freer application of back pay authority applies to violation of non-discretionary regulations as well, thus encompassing a much broader area of personnel concerns. Regulations often are written with considerable flexibility, thereby leaving discretion in application, while language in agreements generally is non-discretionary. Thus, while incorporation of regulations in agreements may be desirable in certain circumstances it must be realized that absent specific, controlling language in agreement provisions, discretionary areas in regulations become subject to the grievance procedure and possible interpretation by arbitrators. Thus negotiators, in considering incorporation of regulations, should carefully consider possible interpretations of the language and potential cost impact. Specific, rather than general language, indicating the intent of the parties is much easier to administer and for arbitrators to interpret.

The Commission has been meeting with GAO officials concerning the Back Pay Act and plans to issue revised regulations following consultation with agencies and unions.

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Unfair Labor Practices

Union activity in the area of unfair labor practices has grown considerably: Early in the Federal labor relations program, the Assistant Secretary dealt primarily with union recognition questions; now, most of his decisions concern ULPs. The Commission is involved in several pending complaints, most of them in the area of evaluations, dealing with the interface between a union's rights vis-a-vis an agency by virtue of holding exclusive recognition and what obligations those rights may place on the Commission in the conduct of its business vis-a-vis the agencies. Mr. Ingrassia gave a brief description of a far-reaching decision of the Assistant Secretary, A/SLMR No. 457 involving NASA's Johnson Space Center, relating to the right of agencies to self-evaluate personnel management matters. (The decision is being appealed to the Federal Labor Relations Council by both parties.)

III. CSC 1975 Legislative Activities

Raymond Jacobson, Director, Bureau of Policies and Standards, discussed plans involving CSC legislative activities for calendar year 1975.

Efforts will be directed at improved IAG-CSC communications about legislative matters. Briefings will be held throughout the year, highlighting special subjects as needed to acquaint and inform IAG members.

An early warning system has been established to call to the attention of IAG members bills of interest as soon as possible. This was done once toward the end of the last session to discuss implications of Senator Tunney's bill for part-time employment S. 2022.

A Legislative Advisory Committee will also be established as part of the IAG, and letters to members have been mailed to request their attendance at a meeting to be held in early February.

Major elements of the CSC Legislative Program will be:

- Executive pay
- Hatch Act reforms
- Adverse actions and appeals system
- Executive Personnel System

Other miscellaneous items of interest will relate to:

- Experts and consultants proposal
- Flexible scheduling of work hours

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IV. 1975 International Personnel Management Association Conference

Ben B. Beeson, Director of Civilian Personnel, Department of the Army, briefly highlighted the proposed program plans for the 1975 IPMA Conference to be held May 27 and 28, 1975 in Washington.

The general plan for the program will cover:

- (1) The Merit System
- (2) Organizational Effectiveness and Productivity
- (3) Legislative and Judicial Trends

Mr. Beeson emphasized the interest reflected in the plan to be responsive to the interests of young professionals and the need for enhancing professionalization of personnel management.